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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14 IN RE: CATHODE RAY TUBE (CRT)
15 ANTITRUST LITIGATION

16 This document relates to:

17 ANTHONY GIANASCA AND
18 BARBARA CALDWELL
19 *on behalf of themselves and all*
others similarly situated,

20 Plaintiffs,

21 v.

22 LG ELECTRONICS, INC., et al.,

23 Defendants.

Master File No. 4:07-cv-05944-JST

MDL No. 1917

Case No.: 4:08-cv-01559-JST

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LGE DEFENDANTS' PRELIMINARY
 RESPONSE TO MOTION TO
 AMEND COMPLAINT OR
 OTHERWISE PURSUE PENDING
 CLAIMS AND REQUEST FOR
 ATTORNEYS' FEES

Hearing Date: To Be Re-Noticed

Time:

Judge: Hon. Jon S. Tigar

Courtroom:

1 LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics Taiwan Taipei Co., Ltd.
 2 (collectively “LGE”) entered into a settlement agreement with Indirect Purchaser Plaintiffs (“IPPs”)
 3 in May 2013, which was granted final approval on April 18, 2014. Dkt. No. 1933-1; Dkt. No. 2542.
 4 Alongside approval of the settlement, the Court entered final judgment of dismissal with prejudice in
 5 LGE’s favor. Dkt. No. 2543. Importantly, unlike certain 2015 settlements vacated by this Court and
 6 renegotiated, LGE’s settlement was never appealed or challenged. As part of LGE’s approved
 7 settlement, Massachusetts IPPs—the movants here—released their claims against LGE and
 8 covenanted not to sue LGE for such claims. Accordingly, any attempt to include LGE in further IPP
 9 litigation would breach the settlement agreement and violate this Court’s order granting final
 10 approval of that settlement.

12 Massachusetts IPPs have now filed the instant Motion to Amend Complaint or Otherwise
 13 Pursue Pending Claims. Dkt. No. 6072. LGE is listed in the caption of Massachusetts IPPs’ motion
 14 and is included among the defendants listed in the proposed amended complaint. *E.g.*, Dkt. No.
 15 6072-5 ¶¶ 20–22. LGE has been in contact with Massachusetts IPPs’ counsel, who has agreed that
 16 inclusion of LGE in its motion and proposed amended complaint was in error. Massachusetts IPP
 17 counsel has indicated to LGE that they will amend their motion and proposed amended complaint to
 18 remove any reference to LGE as a defendant. If Massachusetts IPPs do not file such amended
 19 version by October 7, 2022, LGE respectfully requests leave to file a response in opposition to the
 20 instant motion to amend, which would otherwise be due today.

22 Dated: September 30, 2022

23 By: /s/ Nathan P. Eimer

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 30, 2022, I electronically filed the foregoing document
3 with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all
4 counsel of record.

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6 Dated: September 30, 2022

7 */s/ Nathan P. Eimer*

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